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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

POPHAM, JEFFREY D

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,692	<b>Applicant(s)</b> ISHIZUKA ET AL.	
	<b>Examiner</b> JEFFREY D. POPHAM	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Remarks***

Claims 17-24 are pending.

***Response to Arguments***

1. Applicant's arguments filed 6/9/2008 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Claim Objections***

2. Claims 17, 19-22, and 24 are objected to because of the following informalities:

- Claim 17 refers to "readable/writable skill authenticable data" which is referred to as "skill authentication data" throughout the rest of the claims. For purposes of prior art rejection, "readable/writable skill authenticable data" has been construed as "readable/writable skill authentication data". Claim 17 also refers to "the uploaded data" and "the determination" which have yet to be seen in the claims. For purposes of prior art rejection, "the uploaded data" has been construed as "uploaded data" and "the determination" has been construed as "a determination".

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- Claim 18 recites “operation authority for system or device to be managed/maintained”, which should apparently read “operation authority for a system or device to be managed/maintained”.
- Claim 19 recites “the skill authentication data stored in the authentication recording medium further included data” which should apparently read “the skill authentication data stored in the authentication recording medium further includes data” for consistency in tense.
- Claim 20 refers to “the communication network” and “the data received from the data management server” which have yet to be seen in the claims. For purposes of prior art rejection, these limitations have been construed as "a communication network" and "data received from the data management server", respectively.
- Claim 21 refers to "the contents to be downloaded" and “operation authority for system of device to be managed/maintained”. The former has not been previously seen in the claims, and has been construed as "contents to be downloaded". The latter appears as though it should read "operation authority for a system or device to be managed/maintained", much like discussed regarding claim 18, above
- Claim 22 refers to “the contents to be downloaded” which has been construed as “contents to be downloaded”, much like with claim 21.
- Claim 24 refers to “the system of device to be managed/maintained”, “the maintenance operation terminal comprising the authentication

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recording medium read/write device", "the terminal has a function to read the data recorded in the authentication recording medium", "the identification authentication data", and "after performing maintenance operation, the terminal for maintenance operation". All of these limitations either do not have antecedent basis or are inconsistent with regard to the maintenance operation terminal. For purposes of prior art rejection, "the system of device to be managed/maintained" has been construed as "a system or device to be managed/maintained"; "the maintenance operation terminal comprising the authentication recording medium read/write device" has been construed as "the maintenance operation terminal comprising an authentication recording medium read/write device"; "the terminal has a function to read the data recorded in the authentication recording medium" has been construed as "the maintenance operation terminal has a function to read data recorded in the authentication recording medium"; "the identification authentication data" has been construed as "identification authentication data"; and "after performing maintenance operation, the terminal for maintenance operation" has been construed as "after performing a maintenance operation, the maintenance operation terminal".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bly (U.S. Patent Application Publication 2002/0087345).

Regarding Claim 17,

Bly discloses a system for maintaining qualification of an operator using an authentication recording medium, the system comprising:

An authentication recording medium storing readable identification data and readable/writable skill authentication data (Figures 9 and 10; and Paragraphs 84-85 and 94-98);

A mobile terminal comprising an authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 84-85, 105, and 141-143);

A data management server (Figures 9 and 10; and Paragraphs 85, 94-98, and 104); and

A PC for education comprising an authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 94-98, 104, and 154-155), wherein

The data management server comprises a database for data regarding work or operation status and a database for quality management data, and has a function to collect and analyze uploaded data, make a decision and download the decision contents to the authentication recording medium as skill authentication data (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151);

The PC for education comprises an authentication recording medium data reading/writing application program and an educational application program and a work application program which are programs for educating an operator, and has a function to provide educational material for self-learning regarding various operations, and a function to transmit a result of learning performed by the operator to the data management server via a LAN, receive a content of a determination from the data management server via the LAN and additionally record/update the same by the authentication recording medium read/write device to the authentication recording medium as skill authentication data (Figures 9 and 10; and Paragraphs 94-98, 104-107, 139-141, 149, and 154-155).

Regarding Claim 18,

Bly discloses that the skill authentication data stored in the authentication recording medium includes operation authority for a system or device to be managed/maintained, operation qualification level, expiration data of operation qualification level and content of operation record including time, number of times and name of apparatus (Paragraphs 94-98 and 147-151).

Regarding Claim 19,

Bly discloses that the skill authentication data stored in the authentication recording medium further includes data regarding work or operation status such as continuous work time and past quality management data such as operation error (Paragraphs 94-98 and 147-151).

Regarding Claim 20,

Bly discloses that the mobile terminal has a function to read the data stored in the authentication recording medium by the authentication recording medium read/write device and send the same to the data management server via a communication network, and a function to additionally record or update data received from the data management server in the authentication recording medium by the authentication recording medium read/write device (Paragraphs 84-85, 94-98, 105, and 141-143).

Regarding Claim 21,



Bly discloses that contents to be downloaded to the authentication recording medium include operation authority for a system or device to be managed/maintained, operation qualification level, expiration data of operation qualification level (Paragraphs 94-98 and 147-151).

Regarding Claim 22,

Bly discloses that contents to be downloaded to the authentication recording medium further include data regarding work or operation status such as continuous work time and past quality management data such as operation error (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151).

Regarding Claim 23,

Bly discloses that upon receiving an urgent operation approval data registered by an administrator, the data management server holds a function to download the data via the mobile terminal to the authentication recording medium by the authentication recording medium read/write device (Paragraphs 81-83 and 96-97).

Regarding Claim 24,

Bly discloses that the system further comprises a maintenance operation terminal for managing/maintaining a system or device to be managed/maintained by using the authentication recording medium (Figures 9 and 10; and Paragraphs 91 and 94-98);

The maintenance operation terminal comprises an authentication recording medium read/write device, an operation application program and an authentication application program for the authentication recording medium, the maintenance operation terminal has a function to read data recorded in the authentication recording medium through the authentication recording medium read/write device, confirm identification authentication based on identification authentication data, and authenticate a certain range of operation based on the skill authentication data (Figures 9 and 10; and Paragraphs 91 and 94-98); and

After performing a maintenance operation, the maintenance operation terminal has a function to log the contents of an operation record by the operator and to store the contents of the operation record to the authentication recording medium by the authentication recording medium read/write device (Paragraphs 94-98).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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